

## REMARKS/ARGUMENTS

Various paragraphs in the specification have been amended to correct minor editorial problems. In addition, claims 5, 14, 15, and 17 have been amended to obviate minor informalities.

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, but were acknowledged to contain allowable subject matter.

Specifically, claim 1 was determined to be incomplete since it lacked steps for identifying, isolating, or providing circuitry to provide a flow of blood having a  $pO_2$  of at least 50. Accordingly, claim 1 has been amended to include a step of choosing a first location on a blood vessel containing blood having at least 50  $pO_2$ , prior to the step of forming an extravascular passageway between the first location and a second location. This step provides antecedent basis for the flow of blood in the subsequent step.

Claim 2 has been amended to eliminate language which the Examiner apparently found confusing. The claim is intended to be broad enough to include situations in which both locations are on the same blood vessel and situations in which the locations are on different blood vessels. In either case, both locations are within the heart.

Claim 8 has been amended to recite that the step of forming an extravascular passageway comprises forming a plurality of extravascular passageways. Applicant submits that since the former does not preclude the latter, claim 8 is not indefinite.

Claim 9 has been amended to recite that the step of choosing a first location comprises choosing a location upstream of an an obstructed, injured or diseased segment of a blood vessel, and that second location is downstream of the segment. Applicant submits that although claim 9 does not define an additional method step, it does further define step a), and is therefore definite.

Claim 11 has been amended to include an additional method step that provides antecedent basis for the retroperfusion of tissue, and claim 12 has been amended to remove language made redundant by the amendment of claim 11.

With respect to claim 13, submits that the recitation that the extravascular passageway is a primary extravascular passageway was not included for the purpose of

further defining the claim 1, but for the purpose of providing context for the "secondary extravascular passageway" recited in claim 14. Although this particular portion of claim 12 does not further define claim 1, other portions do. Specifically, claim 13 stipulates that the first and second locations are on different blood vessels, and that the blood flows from the first location to the second location. Accordingly, Applicant disagrees with Examiner's finding that claim 13 is indefinite.

Claim 16 has been amended to recite that step b comprises forming the extravascular passageway so as to deliver the blood to a region that has been deprived of blood because of the obstructed, injured, or diseased segment. Applicant submits that although claim 16 does not define an additional method step, it does further define step b), and is therefore definite.

In view of the above amendments to claims 1, 2, 8, 9, 11, 13 and 16, applicant submits that claims 1-19 satisfy the requirements of 35 U.S.C. §112, second paragraph, and respectfully requests the Examiner to withdraw the rejection of these claims under this statutory provision.

On the basis of the foregoing, the application is believed to be in condition for allowance and issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Dated: June 23, 2003

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